

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IS2005/000006	International filing date (day/month/year) 08 March 2005 (08.03.2005)	Priority date (day/month/year) 09 March 2004 (09.03.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant VALKA EHF			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report 13 September 2006 (13.09.2006)

Authorized officer

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Form PCT/IB/373 (January 2004)

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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

REC'D 13 JUN 2005

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IS2005/000006

International filing date (day/month/year)
08.03.2005

Priority date (day/month/year)
09.03.2004

International Patent Classification (IPC) or both national classification and IPC
G01G19/393

Applicant
VALKA EHF

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the International application
- Box No. VIII Certain observations on the International application

2. **FURTHER ACTION**

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IS2005/000006

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IS2005/000006

**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IS2005/000006

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: US-A-4308928

2. The application does not meet the requirements of Article 6 PCT, because claim 1 . is not clear.

2.1 The expression "...endless movable conveyors which are movable in both directions along their longitudinal plane..." is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claim unclear(Art. 6 PCT).

2.2 It is clear from the description on page 7, line 15-16 that the following feature is essential to the definition of the invention:

(1) "...the movable conveyor is moved as a whole..."

Since independent claim 1 does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

3. NOVELTY

3.1 Document D1, which is considered to represent the most relevant state of the art, discloses a method of automatically feeding and transporting food products from an in-feed device to a combination weigher, which automatically selects from a number of portions of known weight the best combination of portions to make a batch of fixed weight with minimum give-away, wherein the main steps of the preferred in-feeding method comprises the feeding of the raw material from bulk by means of a tub tipper and

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AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IS2005/000006

a conveyor belt onto a infeed and dispersion machine, consisting of two product dispersers and revolving scales, and thereafter onto the moveable transporting device (see abstract, fig.1).

3.2 The subject-matter of claim 1 differs from document D1 in that comprises the step of:

- feeding the raw material evenly and accurately onto at least one and up to an unlimited number (n) of independent, endless movable conveyors, which are moveable in both directions along their longitudinal plane independently of each other, and then, when the conveyor belt(s) is running, transporting the raw material to a combination weigher, consisting of a corresponding number of rows of pool hoppers, where each row can have an unlimited number of pool hoppers and a corresponding number of rows of weighing hoppers as befits the number of movable conveyors, with one particular movable conveyor feeding one particular row of pool hoppers and weighing hoppers.

3.3 Therefore , the subject-matter of claim 1 is new and meets the requirements of Article 33(2) PCT.

3.4 Claims 2-10 are dependent claims and thus meet the requirements of Art. 33(2) PCT.

4. INVENTIVE STEP

4.1 The subject-matter of claim 1 is not disclosed or suggested by document D1, therefore the subject-matter of claim 1 meets the requirements of Art. 33(3) PCT.

5. INDUSTRIAL APPLICABILITY

5.1 The subject-matter of independent claim 1 and the subject-matter of the dependent claims 2-10 meet the requirements of art. 33(4) PCT.

**WRITTEN OPINION OF THE
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International application No.

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